

REMARKS/ARGUMENTS

Prior to entry of this amendment, the application included claims 1-20 and 22-51. No claims have been amended, canceled, or added. Hence, after entry of this Amendment, claims 1-20 and 22-51 stand pending for examination.

Claims 1-20 and 22-51 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-20 and 22-51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0099607 A1 to Sosa et al. ("Sosa") in view of U.S. Patent No. 6,690,779 B2 to Walker et al. ("Walker"), and U.S. Patent No. 7,287,009 B1 to Liebermann ("Liebermann").

Rejections Under 35 U.S.C. § 101

The Applicants respectfully traverse the rejections of all claims rejected under 35 U.S.C. § 101 because the rejections are improper. Regarding claims 1-20, 22-29, and 49-51, the office action states that the "claims must have more than one limitation directed to hardware in order to be statutory." The Office Action does not provide a citation for this, and the Applicants are unaware of such legal precedent. Hence, the rejections are believed to be improper.

Regarding claims 30-48, claim 30 recites "using stored transaction information ... to automatically prepare a transaction form...." By virtue of dependencies, claims 31-48 include this element also. This element satisfies the requirement in the Office Action of transforming underlying subject matter to a different state or thing, namely the transaction form. Hence, the rejection is believed to be improper.

Moreover, the addition of this grounds of rejection for all claims renders the finality of the pending Office Action improper, since the previously-submitted amendments did not necessitate this ground of rejection. The rejections should have been introduced in the prior rejection, since the *addition* of claim elements did not remove the claim from being statutory.

Rejections Under 35 U.S.C. § 103

The Applicants respectfully traverse and request reconsideration of the pending rejections. The Office Action takes the position that the elements introduced by amendment in the Applicant's immediately prior response are taught by Liebermann. This is not true. As an example, claim 1 recites, in part, "return to the point of sale device stored transaction information identifying prior money transfer recipients of the customer for use by the point of sale device to automatically prepare a transaction form associated with the request to process the money transfer transaction." The cited references do not teach or suggest this. The Office Action appears to base the rejection on a combination of Sosa, teaching a user being able to select an automatic population option for filling in charge information into an online purchasing system ([0062]), and Liebermann, teaching a database that allows for recall of historical transaction information. Neither of these, however, teaches or suggests "return[ing] to the point of sale device stored transaction information identifying prior money transfer recipients of the customer for use by the point of sale device to automatically prepare a transaction form associated with the request to process the money transfer transaction." The teaching are clearly not parallel, and the office action fails to follow the Graham factors articulated in the Office Action to satisfy the requirements of a valid 103 rejection. Hence, claim 1 is believed to be allowable, at least for this reason.

All pending independent claims include an element similar to the one discussed above with respect to claim 1 and are believed to be allowable, at least for the foregoing reasons. The remaining claims depend from one of the independent claims discussed above and are believed to be allowable, at least by virtue of that dependency.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Appl. No. 10/687,575
Amdt. dated October 7, 2008
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 3691

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

/Irvin E. Branch/

Irvin E. Branch
Reg. No. 42,358

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
G2B:s5s
61549031 v1